(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (C) NO. 3665 of 2007

Petitioner		Mohd. Kayum Khan S/o Mohd. Yunus Khan, Aged 45 years, imlipara Ambikapur, Distt. Sarguja (C.G.)
	Versus	
Respondents	1.	Secretary, Regional Transport Authority, Bilaspur (C.G.)
	2.	Vinay Kumar Gupta, Village Post-Tapkara, Distt. Jashpur (Chhattisgarh)
	3.	State Transport Appellate Tribunal, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Shri Ajay Shrivastava, Advocate for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the respondent No. 1/State.
Shri Santosh Gupta, Advocate for the respondent No. 2.

O R D E R
(Passed on this 28th day of June, 2007)

1. By this petition, the petitioner impugns the order dated 23.5.2007 (Annexure P/8) passed by the State Transport Appellate Authority, Chhattisgarh Raipur in Revision No. 76/07, whereby the order dated 30.4.2007 (Annexure P/5) granting temporary permit No. 163/B/2007 to the respondent No. 2 on the route i.e. from Ambikapur to Shankh.

2. The indisputable facts, in nutshell, are that the respondent No. 2 is a private bus owner. He applied for grant of a temporary permit on the route i.e. from Ambikapur to Shankh, via-Batuli, Sitapur, Patalgaon, Kunkuri and Jashpur. The petitioner raised the objection to the permit on the said route. After hearing the objection raised by the petitioner, the Regional Transport Authority, Bilaspur vide order dated 30.4.2007 (Annexure P/5) granted temporary permit to the respondent No. 2 under Section 87 (1) (C) of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act, 1988"). The difference

of timing allotted to the respondent No. 2 on the same route was 15 minutes.

3. Being aggrieved, the petitioner filed a revision, being Revision No. 76/07, before the State Transport Appellate Authority, Chhattisgarh Raipur (hereinafter referred to as "the STAT"), wherein the STAT, after having heard both the parties and considering their respective cases, came to the conclusion that the objection raised by the petitioner was heard and there is no discrepancy. The timing is different. Keeping in view the requirement of the public on the said route, the appeal was accordingly dismissed vide order dated 23.5.2007 (Annexure P/8).

4. Having heard learned counsel appearing for the parties and examined the documents, I am of the considered opinion that there is no infirmity, discrepancy, irregularity or procedural error in the order impugned herein. The order is unexceptionable and does not warrant any interference.

5. It is well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby. Further, this Court can also entertain the petition in its supervisory jurisdiction if there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

6. As a result and for the reasons aforestated, this petition is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

B/